In the claims:

Please amend claims 41, 47, 60, 66, 75 and 76 as follows:

Claims 1-40 (Cancelled)

41. (Currently Amended) A surgical instrument for treating tissue comprising an elongate probe member having (i) proximal and distal portions, the distal portion having a distal surface and first and second spaced-apart electrodes coupled to the distal surface and adapted to engage the tissue, and (ii) first and second electrical leads carried by the elongate probe member and extending to the distal portion, the first and second electrical leads being coupled respectively to the first and second electrodes for supplying electrical energy to the first and second electrodes, the first electrode being an active electrode and the second electrode being a return electrode,

wherein the distal surface defines an ~~aspiration~~ aperture and the elongate probe member defines a lumen extending to the ~~aspiration~~ aperture, ~~and~~ each of the first and second electrodes has a portion extending across the ~~aspiration~~ aperture, and the first and second electrical leads are each electrically insulated from fluid within the lumen.

42. (Previously Amended) The surgical instrument of claim 41 wherein at least one of the first and second electrodes has a portion spaced outwardly from the distal surface.

43. (Previously Amended) The surgical instrument of claim 42 wherein each of the first and second electrodes has a portion spaced outwardly from the distal surface.

44. (Previously Amended) The surgical instrument of claim 42 wherein the at least one of the first and second electrodes has the shape of a partial loop.

45. (Previously Amended) The surgical instrument of claim 42 wherein the at least one of the first and second electrodes has the shape of a prong.

46. (Cancelled)

47. (Currently Amended) The surgical instrument of claim 41 wherein the portions of each of the first and second electrodes extending across the ~~aspiration~~ aperture are spaced outwardly from the distal surface.

48. (Previously Amended) The surgical instrument of claim 41 wherein the first and second electrodes extend parallel to each other.

49. (Previously Amended) The surgical instrument of claim 41 wherein the first and second electrodes extend in the same plane.

50. (Previously Amended) The surgical instrument of claim 41 wherein each of the first and second electrodes is cylindrical in shape.

Claims 51-59 (Cancelled)

60. (Currently Amended) An electrosurgical instrument comprising:

an elongate probe member including a distal region, the elongate probe member defining a ~~fluid transmission~~ lumen and defining a lumen opening at the distal region that communicates with the lumen;

first and second electrical leads extending along the elongate probe member to the distal region, the first and second electrical leads being electrically insulated from fluid within the lumen;

an active electrode coupled to the elongate probe member and to the first electrical lead and extending at least partially across the lumen opening; and

a return electrode coupled to the elongate probe member and to the second electrical lead and extending at least partially across the lumen opening.

61. (Previously Added) The instrument of claim 60 wherein:

the active electrode extends across less than the entire lumen opening, and
the return electrode extends across less than the entire lumen opening.

62. (Previously Added) The instrument of claim 60 wherein:
the active electrode extends across the entire lumen opening, and
the return electrode extends across the entire lumen opening.

63. (Previously Added) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening at the lumen opening.

D1 Cont.

64. (Previously Added) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening proximal to the lumen opening.

65. (Previously Added) The instrument of claim 60 wherein one of the electrodes extends at least partially across the lumen opening distal to the lumen opening.

66. (Currently Amended) An electrosurgical instrument comprising:
an elongate probe member including a distal region, the elongate probe member defining a lumen and defining a lumen opening at the distal region that communicates with the lumen;
first and second electrical leads extending along the elongate probe member to the distal region, the first and second electrical leads being electrically insulated from fluid within the lumen;
an active electrode coupled to the elongate probe member and to the first electrical lead and extending at least partially across the lumen opening; and
a return electrode coupled to the elongate probe member and to the second electrical lead and extending at least partially across the lumen opening,
~~The instrument of claim 60~~ wherein:
the elongate probe member includes a side wall at the distal region, and
one of the electrodes extends from the side wall and extends at least partially across the lumen opening.

67. (Previously Added) The instrument of claim 60 wherein:

the distal region includes a distal surface, and

the active and return electrodes define an energy application surface that is parallel to a portion of the distal surface.

68. (Previously Added) The instrument of claim 60 wherein at least a portion of the active electrode is parallel to a portion of the return electrode.

69. (Previously Added) The instrument of claim 68 wherein the parallel portions of the active electrode and the return electrode each extend at least partially across the lumen opening.

D1 cont.

70. (Previously Added) The instrument of claim 60 wherein one of the electrodes has a portion with a prong shape.

71. (Previously Added) The instrument of claim 60 wherein one of the electrodes has a portion with a partial loop shape.

72. (Previously Added) The instrument of claim 60 wherein one of the electrodes has a portion with a rounded surface suitable to perform a smoothing function on tissue.

73. (Previously Added) The instrument of claim 60 wherein one of the electrodes has a portion with an edge suitable to perform a mechanical scraping operation and an electrosurgical operation.

74. (Previously Added) The instrument of claim 60 wherein:

the distal region includes a distal surface, and

the active and return electrodes are each coupled to the distal surface.

75. (Currently Amended) The instrument of claim 60 wherein the ~~fluid transmission~~ lumen comprises an aspiration lumen.

76. (Currently Amended) The instrument of claim 60 wherein:

the ~~fluid transmission~~ lumen comprises an aspiration lumen,

the active and return electrodes each extend across the lumen opening distal to the lumen opening,

the active and return electrodes are parallel to each other,

the distal region includes a distal surface, and

the active and return electrodes define an energy application surface that is parallel to a portion of the distal surface.

D1 cont.

Claims 77-80 (Cancelled)

Claims 81-90. (Withdrawn)

91. (New) The surgical instrument of claim 41 wherein the first and second electrodes protrude from the distal surface.

92. (New) The surgical instrument of claim 41 wherein the aperture comprises an aspiration aperture.